IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Bail Appl..No. 2953 of 2007

(CRIME NO. 81/2007 OF THE EXCISE RANGE, KOTTARAKKARA)

PETITIONER/ACCUSED:

AJAYAKUMAR, THENGUVILA PUTHEN VEEDU, ERANOOR, PANAVELI P.O., KOTTARAKKARA.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL) SRI.A.R.DILEEP.

RESPONDENTS/STATE & COMPLAINANT:

1. **STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**
2. **EXCISE INSPECTOR, KOTTARAKKARA EXCISE RANGE, KOTTARAKKARA.**

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/05/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2953 OF 2007

Dated this the 23rd day of May, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the accused in C.R.No.81/07 of Kottarakkara Excise Range for offences punishable under sections 8(1) and (2) of the Abkari Act for allegedly having been found in possession of 10 litres of arrack, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of, preferably on the same day on which it is filed bearing in mind the decision in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22].

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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